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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,345	09/11/2003	Duncan Missimer	112-0126US	8036
29855 7590 08/31/2007 WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, L.L.P. 20333 SH 249 SUITE 600 HOUSTON, TX 77070			EXAMINER GOODCHILD, WILLIAM J	
			ART UNIT 2145	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/661,345	<b>Applicant(s)</b> MISSIMER ET AL.	
	<b>Examiner</b> William J. Goodchild	<b>Art Unit</b> 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 June 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-20, 29-49, 76-83 and 92-118 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-20, 29-49, 76-83 and 92-118 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 June 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 12-18, 29-41, 43, 76-82, 92-98 and 101-118 are rejected under 35 U.S.C. 102(e) as being anticipated by Raman et al., (hereinafter Raman), (US Publication No. 2003/0217119).

In reference to claims 12, 29, 35 and 44, Raman teaches a method / system comprising: transmitting a write request for half of said multiple blocks of data to said multiple targets [paragraphs 71 and 79].

In reference to claims 13, 30, 36 and 45, Raman teaches the method / system of claims 12, 29, 35 and 44, wherein: said multiple targets comprise all targets [paragraph 71].

In reference to claims 14, 31, 37 and 46, Raman teaches the method / system of claims 12, 29, 35 and 44, wherein: transferring to said multiple targets, half of said multiple blocks of data, if said multiple targets satisfy said request for half of said multiple blocks of data [paragraph 79].

In reference to claims 15, 32, 38 and 47, Raman teaches the method / system of claims 14, 31, 37 and 46, wherein: said multiple targets comprise all targets [paragraph 71].

In reference to claims 16, 33, 39 and 48, Raman teaches the method / system of claims 12, 29, 35 and 44, wherein: transmitting a new write request for half of an amount of an immediately previous write request, if said multiple targets do not satisfy the amount of data to be transferred by said immediately previous write request [paragraph 79].

In reference to claims 17, 34, 40 and 49, Raman teaches the method / system of claims 16, 33, 39 and 48, wherein: said multiple targets comprise all targets [paragraph 71].

In reference to claims 18 and 41, Raman teaches the method / system of claims 12 and 35, wherein: at least one of said multiple targets comprises a storage disk [paragraph 68].

In reference to claims 76 and 92, Raman teaches a method / system comprising: a host [paragraph 53 and figure 2]; a physical storage unit [paragraph 53 and figure 2]; a first switch [paragraph 53 and figure 2]; and a second switch coupled to said first switch and forming a switched fabric [paragraph 53 and figure 2], said first switch and said second switch coupled to said host and said physical storage unit [figure 2], said first switch including: at least a port [paragraph 13]; a mirroring device capable of mirroring multiple blocks of data to multiple targets, if said multiple targets do not satisfy the amount of data to be transferred in said multiple blocks of data [paragraph 53]; logic for signal information to pass at least between said port and said mirroring device [paragraphs 71 and 79]; said mirroring device being adapted to transmit a write request for a subset of said multiple blocks of data to said multiple targets [paragraphs 71 and 79].

In reference to claims 77 and 93, Raman teaches the method / system of claims 76 and 92, wherein: said multiple targets comprise all targets [paragraph 71].

In reference to claims 78 and 94, Raman teaches the method / system of claims 76 and 92, wherein: said mirroring device is further adapted to transfer to said multiple targets, said subset of said multiple blocks of data, if said multiple targets satisfy said request for said subset of said multiple blocks of data [paragraph 79].

In reference to claims 79 and 95, Raman teaches the method / system of claims 78 and 94, wherein: said multiple targets comprise all targets [paragraph 71].

In reference to claims 80 and 96, Raman teaches the method / system of claims 76 and 92, wherein: said mirroring device is further adapted to transmit a new write request for a further subset of an amount of an immediately previous write request, if said multiple targets do not satisfy the amount of data to be transferred by said immediately previous write request [paragraph 79].

In reference to claims 81 and 97, Raman teaches the method / system of claims 76 and 92, wherein: said multiple targets comprise all targets [paragraph 71].

In reference to claims 82 and 98, Raman teaches the method / system of claims 76 and 92, wherein: at least one of said multiple targets comprises a storage disk [paragraph 68].

In reference to claims 101, 107 and 113, Raman teaches a method / system comprising: a first switch [ paragraph 53]; and a second switch coupled to said first switch [paragraph 53], said second switch including: at least a port [paragraph 13];

a mirroring device capable of mirroring multiple blocks of data to multiple targets [paragraphs 10 and 11]; and logic for signal information to pass at least between said port and said mirroring device [paragraphs 71 and 79 and figure 12]; said mirroring device being adapted to: receive a write request for a selected number of data blocks

directed to a single target [paragraph 79 and figure 12]; issue write requests for said selected number of data blocks to each of the multiple targets [paragraph 79 and figure 12]; receive replies indicating an allowable number of data blocks from each of the multiple targets [paragraph 79 and figure 12]; if each of the replies indicates an allowable number of data blocks sufficient to accommodate the write request: provide a reply indicating a sufficient number of data blocks; receive said selected number of data blocks [paragraph 79 and figure 12]; and provide each of the received data blocks to each of the multiple targets; and if any of the replies indicates an allowable number of data blocks not sufficient to accommodate the write request: transmit a write request for a portion of the selected number of data blocks to each of the multiple targets [paragraph 79 and figure 12]; receive replies indicating an allowable number of data blocks from each of the multiple targets [paragraph 79 and figure 12]; if each of the replies indicates an allowable number of data blocks sufficient to accommodate the write request: provide a reply indicating a number of data blocks [paragraph 79 and figure 12]; receive said portion of said selected number of data blocks; and provide each of the received data blocks to each of the multiple targets [paragraph 79 and figure 12];

determine if the received write request has been completed [paragraphs 79 and 80 and figure 12]; if the received write request has been completed, provide a write command complete [paragraphs 79 and 80 and figure 12]; and if the received write request has not been completed, return to the most recently performed operation of transmitting a write request [paragraphs 79 and 80 and figure 12].

In reference to claims 102, 108 and 114, Raman teaches the method / system of claims 101, 107 and 113, wherein: if any of the replies to said write request for a portion of the selected number of data blocks indicates an allowable number of data blocks not sufficient to accommodate the write request for a portion of the selected number of data blocks: transmitting a write request for a smaller portion of the selected number of data blocks than the most recently transmitted write request [paragraphs 79 and 80 and figure 12]; receiving replies indicating an allowable number of data blocks from each of the multiple targets [paragraphs 79 and 80 and figure 12]; if each of the replies indicates an allowable number of data blocks sufficient to accommodate the smaller portion write request: providing a reply indicating a number of data blocks [paragraphs 79 and 80 and figure 12]; receiving said smaller portion of said selected number of data blocks [paragraphs 79 and 80 and figure 12]; and providing each of the received data blocks to each of the multiple targets [paragraphs 79 and 80 and figure 12]; and if each of the replies indicates an allowable number of data blocks not sufficient to accommodate the smaller portion write request, reducing the value of the smaller portion so that an even smaller number of data blocks is being utilized and returning to the step of transmitting a write request for a smaller portion using the even smaller value [paragraphs 79 and 80 and figure 12].

In reference to claims 103, 109 and 115, Raman teaches the method / system of claims 102, 108 and 114, wherein: transmitting an abort write request to each of the multiple targets before transmitting a write request for a portion of the selected number

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of data blocks which is smaller than the immediately previous write request [paragraphs 79 and 108].

In reference to claims 104, 110 and 116, Raman teaches the method / system of claims 102, 108 and 113, wherein: said portion is one half and said smaller portion is one half of the previous portion [paragraph 79].

In reference to claims 105, 111 and 117, Raman teaches the method / system of claims 101, 107 and 113, wherein: transmitting an abort write request to each of the multiple targets before transmitting the write request for a portion of the selected number of data blocks [paragraphs 79 and 108].

In reference to claims 106, 112 and 118, Raman teaches the method / system of claims 101, 107 and 113, wherein: said portion is one half [paragraph 79].

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 19-20, 42-43, 83 and 99-100 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raman et al., (hereinafter Raman), (US Publication No.

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2003/0217119), as applied to claims 12, 35, 76 and 92 above, and further in view of Ibrahim et al., (hereinafter Ibrahim), (US Patent No. 6,880,062).

Regarding claims 19, 42, 83 and 99, Raman discloses the limitations of claims 12, 35, 76 and 92 above, but do not specifically disclose said targets comprise systems that are compliant with the fibre channel Fibre Channel protocol. However, Ibrahim in the same field of endeavor, discloses the SAN using a Fibre Channel network [Ibrahim, column 2, lines 61-67]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate using a Fibre Channel network in order to provide for faster network speeds within the SAN.

Regarding claims 20, 43 and 100 Raman-Ibrahim further disclose said targets comprise systems that are compatible with the fibre channel Fibre Channel protocol [Ibrahim, column 2, lines 61-67].

### ***Response to Arguments***

5. Applicant's arguments, see Applicant Arguments/Remarks Made in an Amendment, filed 06/05/2007, with respect to the rejection(s) of claim(s) 12-20, 29-49, 76-83 under Ibrahim have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Raman.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Goodchild whose telephone number is (571) 270-1589. The examiner can normally be reached on Monday - Friday / 9:00 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WJG  
06/05/2007

  
JASON CARDONE  
SUPERVISORY PATENT EXAMINER